

REMARKS

This is in response to the non-final Official Action currently outstanding with regard to the above-identified application.

Claims 34-41 were pending in this application at the time of the issuance of the currently outstanding Official Action. By the foregoing Amendment, Claims 34 and 41 are amended and Claims 35-40 are canceled, without prejudice. No claims are added, and no claims are withdrawn. Accordingly, upon the entry of the foregoing Amendment, Claims 34 and 41 as hereinabove amended will constitute the claims under active prosecution in this application.

The claims of this application as they will stand upon the entry of this Amendment are set forth above showing the changes made and appropriate status identifiers as required by the Rules.

In the currently outstanding Official Action, the Examiner has:

1. Acknowledged Applicants' claim for foreign priority under 35 USC §119 (a)-(d) or (f), and confirmed the receipt of the required copies of the priority documents by the United States Patent and Trademark Office;
2. Indicated that the drawings as filed on 24 September 2002 are accepted;

3. Acknowledged Applicants' Information Disclosure Statements of 24 September 2003 and 11 February 2004 by providing Applicant with copies of the Forms PTO-1449 that accompanied those Information Disclosure Statements duly signed, dated and initialed by the Examiner in confirmation of his consideration of the art listed therein;
4. Provided Applicants with a list of references cited including the Haruo and Shigeaki references.
5. Rejected claims 34, 35, 38 and 39 under 35 USC 102(b) as being anticipated by the Ohtomo et al reference (US Patent 5,822,294);
6. Rejected claims 34 - 36 under 35 USC 102(b) as being anticipated by the Sugiyama et al reference (US Patent 4,980,877);
7. Rejected Claims 38-40 under 35 USC 103(a) as being unpatentable over the Sugiyama et al reference in view of the Kuroda et al reference (US Patent 6,181,657); and
8. Indicated that Claims 37 and 41 are objected to as depending from a rejected base claim, but that those claims would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims.

Further comment regarding items 1-4 above is not deemed to be required in these Remarks.

With respect to items 5-8, Applicants by the foregoing Amendment have amended Claim 34 so as to include all of the limitations of Claims 36 and 37; amended claim 41 so as to include all of the limitations of original Claim 34; and canceled claims 35-40, without prejudice.

Since claim 34 as hereinabove amended is the same as original Claim 37 rewritten in independent form including all of the limitations of its base claim and any intervening claims and since Claim 41 has been amended to include all of the limitations of its base claim and any intervening claims, Applicants respectfully submit that Claims 34 and 41 as hereinabove amended are now in condition for allowance as conforming to the Examiner's conditional indication of allowability referred to in item 8 above.

Further, since Claims 35-40 have been canceled, without prejudice, by the foregoing Amendment, Applicants respectfully submit that the Examiner's outstanding substantive rejections as summarized in items 5-7 above are now moot.

Accordingly, Applicants respectfully submit that this application is now in condition for allowance. Early reconsideration and allowance of Claims 35 and 41 as hereinabove amended in response to this communication, therefore, is respectfully requested.

Applicants also believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

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